

E-FILED ON JUNE 18, 2007

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Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
☐ USA Commercial Mortgage Company
☒ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

**NOTICE OF ENTRY OF ORDER
 SUSTAINING IN PART THE
 OMNIBUS OBJECTION OF USA
 SECURITIES, LLC TO CERTAIN
 CLAIMS AND CERTIFICATE OF
 SERVICE**

Hearing Date: April 26, 2007
 Hearing Time: 9:30 a.m.

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NOTICE IS HEREBY GIVEN that an Order Sustaining in Part the Omnibus Objection of USA Securities, LLC to Certain Claims was entered on the 15th day of May, 2007, a copy of which is attached hereto.

Dated: this 30th day of May, 2007.

/s/ Lenard E. Schwartzer, Esq

Lenard E. Schwartzer, Nevada Bar No. 0399
Jeanette E. McPherson, Nevada Bar No. 5423
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and

Annette W. Jarvis, Utah Bar No. 1649
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
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Salt Lake City, Utah 84145-0385

1. On June 18, 2007 I served the following document(s):

a. Notice of Entry of Supplemental Order Sustaining in Part the Omnibus Objection of USA Securities, LLC to Certain Claims

2. I served the above-named document(s) by the following means to the persons as listed below:

☐ a. By ECF System:

☒ b. By United States mail, postage fully prepaid:

SEE ATTACHED MAILING MATRIX

☐ c. By Personal Service

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

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☐ d. **By direct email (as opposed to through the ECF System)**

Based upon the written agreement to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ e. **By fax transmission**

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

☐ f. **By messenger**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service.

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: June 18, 2007

SARAH ARNOLD

(Name of Declarant)

/s/ SARAH ARNOLD

(Signature of Declarant)

Falvai, Brenda
252 N Paseo De Juan
Anaheim, CA 92807-2319

Quinn, Edward & Darlene
660 Nw Brookhaven Dr
Lee's Summit, MO 64081

Kantor, Lynn M
C/O Michael M Schmahl Attorney
McGuireWoods LLP
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Chicago, IL 60601

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Redondo Beach, CA 90277-3709

Baginski, Michael
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Garden Grove, CA 92841

Deller, Ross
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Henderson, NV 89014

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Anaheim, CA 92807-2319

Falvai, Brenda
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Anaheim, CA 92807-2319

Frieda Moon Fbo Sharon C. Van Ert
2504 Callita Ct
Las Vegas, NV 89102-2020

Houghton Dental Corp PSP
Fbo Geraldine Pearl Houghton
2871 Pinta
Perris, CA 92571

Karen Petersen Tyndall Trust
Dated 3/9/94
C/O Karen Petersen Tyndall Ttee
1012 Greystoke Acres St
Las Vegas, NV 89145-8659

Dr Gary Kantor
C/O Michael M Schmahl Attorney
McGuireWoods LLP
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CT, a Wolters Kluwer Business
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Carol Stream, IL 60197-4349

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Berry, William Chad
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Studio City, CA 91602-3067

Deller, Ross
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Henderson, NV 89014

Falvai, Brenda
252 N Paseo De Juan
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Frieda Moon & Sharon C Van Ert Joint
2504 Callita Ct
Las Vegas, NV 89102-2094

Frieda Moon Fbo Sharon C. Van Ert
2504 Callita Ct
Las Vegas, NV 89102-2020

Karen Petersen Tyndall Trust Dtd 3/9/94
C/O Karen Petersen Tyndall Ttee
1012 Greystoke Acres St
Las Vegas, NV 89145-8659

KPT Irrevocable Trust Dated 7/16/99
C/O Karen Petersen Tyndall Ttee
1012 Greystoke Acres St
Las Vegas, NV 89145-8659

Kantor Nephrology Consultants Ltd
C/O Michael M Schmahl Attorney
McGuireWoods LLP
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15254 Candlewood Ct.
Lake Oswego, OR 97035

Adams, Herman M & Brian M
& Anthony G
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Las Vegas, NV 89102

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1469 Harmony Hill
Henderson, NV 89014

Deller, Ross
1469 Harmony Hill
Henderson, NV 89014

Falvai, Brenda
252 N Paseo De Juan
Anaheim, CA 92807-2319

Frieda Moon & Sharon C Van Ert Joint
2504 Callita Ct
Las Vegas, NV 89102-2094

Halseth Family Trust Totally Restated
4/21/00, Daniel R. and Sandra K. Ttees
23 Molas Dr.
Durango, CO 81301

KPT Irrevocable Trust Dtd 7/16/99
C/O Karen Petersen Tyndall Ttee
1012 Greystoke Acres St
Las Vegas, NV 89145-8659

Law Offices Of James J Lee
7674 W Lake Mead # 108
Las Vegas, NV 89128

Layne Family Trust
Bruce & Sherry Layne
C/O Lawrence D Rouse Esq
523 S 8Th St
Las Vegas, NV 89101

Lee Esq, James J
7674 W Lake Mead #108
Las Vegas, NV 89128

Mirzaian, Katrine
708 Prospect Dr.
Glendale, CA 91205

Moon Trustee Of The Decedent's Trust,
Frieda Of The Restated Moon Irrevocable
Trust
2504 Callita Ct
Las Vegas, NV 89102

Moon Trustee Of The
Decedent's Trust, Frieda Of The
Restated Moon Irrevocable Trust
2504 Callita Ct
Las Vegas, NV 89102

Moon Trustee Of The Decedent's Trust,
Frieda
Of The Restated Moon Irrevocable Trust
2504 Callita Ct
Las Vegas, NV 89102

Moon Trustee Of The Decedent's
Trust, Frieda Of The Restated Moon
Irrevocable Trust
2504 Callita Ct
Las Vegas, NV 89102

Olympia Capital Management
C/O Geraldine Houghton
2871 Pinta
Perris, CA 92571

Quinn, Edward & Darlene
660 NW Brookhaven Dr
Lee's Summit, MO 64081

Case: 06-10725-lbr Doc #: 3732 Filed: 05/15/2007 Page: 1 of 6

Entered on Docket
May 15, 2007

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Steven C. Strong, Utah Bar No. 6340
RAY QUINNEY & NEBEKER P.C.
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Attorneys for USA Securities, LLC

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re: USA COMMERCIAL MORTGAGE
COMPANY, Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re: USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re: USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC, Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re: USA CAPITAL FIRST TRUST DEED FUND,
LLC, Debtor.

ORDER SUSTAINING IN PART THE
OMNIBUS OBJECTION OF USA
SECURITIES, LLC TO CERTAIN
CLAIMS

In re: USA SECURITIES, LLC, Debtor.

Affects:

- ☐ All Debtors
☐ USA Commercial Mortgage Company
☒ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA First Trust Deed Fund, LLC

Date of Hearing: April 26, 2007
Time of Hearing: 9:30 a.m.

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Case: 06-10725-lbr Doc #: 3732 Filed: 05/15/2007 Page: 2 of 6

The Omnibus Objection of USA Securities, LLC to Certain Claims (the "Objection") (Docket No. 3021) came before this Court on proper notice at the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinney & Nebeker P.C. appeared on behalf of USA Securities, LLC, Eve Karasik of Statman, Treister & Glatt, P.C. appeared on behalf of the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee"), and other appearances were noted on the record.

Responses to the Objection were filed by Michael P. Mollo (Docket No. 3177) and the FTDF Committee (Docket No. 3483). A separate response (Docket No. 3337) filed by Michael P. Mollo was also docketed as if it related to the Objection, but that response does not relate to any claim addressed in the Objection and was actually directed to a different omnibus objection filed by the USACM Liquidating Trust. No other responses were filed to the Objection. Based on a prior stipulated order (Docket No. 3520) (the "Kantor Continuance Order"), the claims of Dr. Gary Kantor, Kantor Nephrology Consultants Ltd., and Lynn M. Kantor (the "Kantor Claims") addressed in the Objection were continued for a status hearing on June 15, 2007 at 9:30 a.m. The claim of Houghton Dental Corp. PSP f/b/o Geraldine Pearl Houghton addressed in the Objection was withdrawn with prejudice by stipulation (Docket No. 3465).

THE COURT, having considered the Objection and responses thereto, and having determined that good and sufficient cause exists for sustaining the Objection to the extent set forth below, HEREBY ORDERS THAT:

1. The Objection is sustained in part as described below;
2. All of the claims listed on Exhibit A to the Objection, as set forth in the following table, are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	Adams, Brian M 525 S 6Th St Las Vegas, NV 89101	10729-00030	11/8/2006	325,000.00
2	Adams, Herman M & Brian M & Anthony G 1341 Cashman Dr Las Vegas, NV 89102	10729-00033	11/10/2006	3,825,000.00

Case: 06-10725-lbr Doc #: 3732 Filed: 05/15/2007 Page: 3 of 6

3	Beginski, Michael 12881 Knott St #205 Garden Grove, CA 92841	10729-00029	11/10/2006	268,263.00
4	Barry, William Chad 11136 Acama St Apt 312 Studio City, CA 91602-3067	10729-00041	11/13/2006	200,000.00
5	Deller, Ross 1489 Harmony Hill Henderson, NV 89014	10729-00015	5/8/2006	50,000.00
6	Deller, Ross 1489 Harmony Hill Henderson, NV 89014	10729-00016	5/8/2006	120,000.00
7	Deller, Ross 1489 Harmony Hill Henderson, NV 89014	10729-00017	5/8/2006	100,000.00
8	Deller, Ross 1489 Harmony Hill Henderson, NV 89014	10729-00018	5/8/2006	50,000.00
9	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10729-00009	6/2/2006	50,933.34
10	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10729-00010	6/2/2006	50,972.22
11	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10729-00011	6/2/2006	50,933.34
12	Falvai, Brenda 252 N Paseo De Juan Anaheim, CA 92807-2319	10729-00013	6/2/2006	37,860.24
13	Frieda Moon & Sharon C Van Ert Joint 2504 Calitta Ct Las Vegas, NV 89102-2094	10729-00003	5/23/2006	51,033.34
14	Frieda Moon & Sharon C Van Ert Joint 2504 Calitta Ct Las Vegas, NV 89102-2094	10729-00008	5/23/2006	51,076.38
15	Frieda Moon Fbo Sharon C. Van Ert 2504 Calitta Ct Las Vegas, NV 89102-2020	10729-00004	5/23/2006	35,583.34
16	Frieda Moon Fbo Sharon C. Van Ert 2504 Calitta Ct Las Vegas, NV 89102-2020	10729-00005	5/23/2006	17,538.18
17	Haleeth Family Trust Totally Restated 4/21/00, Daniel R. and Sandra K. Tites 23 Molae Dr. Durango, CO 81301	10729-00044	1/9/2007	Blank

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Case: 06-10725-lbr Doc #: 3732 Filed: 05/15/2007 Page: 4 of 6

1	18	Houghton Dental Corp PSP Fbo Geraldine Pearl Houghton 2871 Pinta Perris, CA 92571	10729-00034	11/9/2006	100,000.00
2					
3	19	Karen Petersen Tyndall Trust Dtd 3/9/84 C/O Karen Petersen Tyndall Trust 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10729-00027	11/9/2006	1,116,915.59
4					
5	20	KPT Irrevocable Trust Dtd 7/16/89 C/O Karen Petersen Tyndall Trust 1012 Greystoke Acres St Las Vegas, NV 89145-8659	10729-00026	11/9/2006	202,868.38
6					
7	21	Law Offices Of James J Lee 7674 W Lake Mead # 108 Las Vegas, NV 89128	10729-00037	11/13/2006	200,000.00
8					
9	22	Layne Family Trust Bruce & Sherry Layne C/O Lawrence D Rouse Esq 523 S 8Th St Las Vegas, NV 89101	10729-00023	11/9/2006	240,000.00
10					
11	23	Lee Esq, James J 7674 W Lake Mead #108 Las Vegas, NV 89128	10729-00036	11/13/2006	200,000.00
12					
13	24	Mirzeian, Katrina 708 Prospect Dr Glendale, CA 91205	10729-00045	1/10/2007	344,011.56
14					
15	25	Moon Trustee Of The Decedent's Trust, Frieda Of The Restated Moon Irrevocable Trust 2504 Calita Ct Las Vegas, NV 89102	10729-00001	5/22/2006	37,860.24
16					
17	26	Moon Trustee Of The Decedent's Trust, Frieda Of The Restated Moon Irrevocable Trust 2504 Calita Ct Las Vegas, NV 89102	10729-00002	5/22/2006	51,033.34
18					
19	27	Moon Trustee Of The Decedent's Trust, Frieda Of The Restated Moon Irrevocable Trust 2504 Calita Ct Las Vegas, NV 89102	10729-00007	5/23/2006	51,076.38
20					
21	28	Moon Trustee Of The Decedent's Trust, Frieda Of The Restated Moon Irrevocable Trust 2504 Calita Ct Las Vegas, NV 89102	10729-00008	5/23/2006	25,538.20
22					
23	29	Olympia Capital Management C/O Geraldine Houghton 2871 Pinta Perris, CA 92571	10729-00035	11/9/2006	100,000.00
24					
25	30	Quinn, Edward & Darlene 660 NW Brookhaven Dr Lee's Summit, MO 64081	10729-00019	7/10/2006	156,388.48
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27					
28					

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Case: 06-10725-lbr Doc #: 3732 Filed: 05/15/2007 Page: 5 of 6

3. Two of the three claims listed on Exhibit B to the Objection, as set forth in the following table, are disallowed in their entirety:

	<u>Claimant</u>	<u>Proof of Claim No.</u>	<u>Date Claim Filed</u>	<u>Proof of Claim Amount</u>
1	CT Corporation Systems CT, a Wolters Kluwer Business PO Box 4349 Carol Stream, IL 60187-4349	10729-00043	12/8/2006	480.00
2	Hagmeier, Robert L. 15264 Candlewood Ct. Lake Oswego, OR 97035	10729-00021	10/6/2006	200.00

4. As to the third claim listed on Exhibit B to the Objection, the claim of Michael P. Mollo, Proof of Claim No. 10729-00022 filed October 6, 2006 in the amount of \$106.63, the hearing on the Objection to that claim is continued for a status hearing on June 15, 2007 at 9:30 a.m.;

5. The hearing on the three claims listed on Exhibit C to the Objection, which are the Kantor Claims, is continued for a status hearing on June 15, 2007 at 9:30 a.m., as provided in the Kantor Continuance Order, and

6. The claims that are disallowed pursuant to this Order are disallowed in their entirety and for all purposes as claims against USA Securities LLC and are not allowed as claims against USA Capital First Trust Deed Fund, LLC or against any of the other Debtors in these jointly-administered bankruptcy cases.

Submitted by:
SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NEBEKER P.C.

By: /s/ Lenard E. Schwartz

LENARD E. SCHWARTZER, ESQ.
JEANETTE E. MCPHERSON, ESQ.
ANNETTE W. JARVIS, ESQ.
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Attorneys for USA Securities, LLC

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Case: 06-10725-lbr Doc #: 3732 Filed: 05/15/2007 Page: 6 of 6

1
2
3
4 Approved by:
5 STUTTMAN TREISTER & GLATT, P.C. and
6 SHEA & CARLYON, LTD.

7 By: /s/ Andrew Parlen
8 EVE KARASIK, ESQ.
9 CANDACE C. CARLYON, ESQ.
10 *Counsel for the Official Committee of*
11 *Equity Security Holders of USA Capital*
12 *First Trust Debt Fund LLC*

13 Approved by:
14 OFFICE OF THE U.S. TRUSTEE

15 By: 
16 AUGUST B. LANDIS, ESQ.
17 SCOTT A. FARROW, ESQ.
18
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